

IV. REMARKS

In the above-referenced patent application, please enter the amendment and reconsider the application in view of thereof.

In the Office Action, claim 24 has been made subject to an objection. The Examiner contends that the claim must depend from a preceding claim.

In response, the foregoing amendment is intended to correct this matter.

Claims 18-20 have been rejected pursuant to 35 USC Sec. 103. The Examiner contends that these claims are obvious over Laurush.

Claims 1-3, 10, 17 have been rejected pursuant to 35 USC Sec. 103. The Examiner contends that these claims are obvious over Laurush in view of Martin.

Claims 4-9, 11-16, 22-44 have been rejected pursuant to 35 USC Sec. 103. The Examiner contends that these claims are obvious over Laurush in view of Martin and Kara.

The claims have been amended, and the rejection is believed to be moot in view thereof. Further, the cited art does not teach or disclose the following, with regard to claim 1: receiving, electrical signals from an ordering center computer system, the electrical signals representing... in connection with ...printing, at the distribution center... in the context of the claim as a whole. Note that Martin is contended, in the Office Action at page 7, as teaching "shipping signals from a courier shipping system" and thus not from an ordering center computer system. The same distinction is applicable to the claims dependent on claim 1.

With respect to claim 18, and the claims dependent thereon, the cited art does not teach or disclose the following: packing at a distribution center, in response to information on the sheet in the context of the claim as a whole. This step is not mentioned in the cited art.

Similarly, with respect to claim 22 and the claims dependent thereon, the cited art does not teach or disclose the following: packing at a distribution center responsive to the printed sheet in the context of the claim as a whole. This step is not mentioned in the cited art.

As to claim 25 and claims dependent thereon, the cited art does not teach or disclose the following: printing both a ship date and a customer-specified date on a sheet at a distribution center, the customer-specified date being specified at a web site by a user of a consumer ordering system and communicated to the distribution center... in connection with packing at the distribution center responsive to information on the sheet in the context of the claim as a whole.

As to claim 30 and claims dependent thereon, the cited art does not teach or disclose the following: a computer system comprising a computer operably connected to an input device and to an output device, the computer programmed to facilitate receiving information at the input device from a consumer ordering system and processing the information, to produce output at the output device, the output comprising a singular sheet received from an ordering center, in connection with printing at a distribution center, on the waybill area, a courier waybill and a ship date and a customer-specified date in the context of the claim as a whole.

With respect to the new claims, the Office Action has not addressed claim limitations drawn to flowers, e.g., the rejection of claims 29, 44, other than to admit that the “combination of Laurush and Martin fail to teach and/or suggest” this feature – see Office Action at Page 6. Accordingly, it is believed that the new claims and claims 29, 44 have not been shown unpatentable.

Applicant also believes that a proper reason to modify or combine has not been shown. With respect to claims 18-20, the proposed modification of Laurush is contradicted by its teaching and would alter its operation. The Laurush does not teach that its label was intended for separation as Applicant claimed. Further, the Office Action mentions on page 3 that the reason is that it “it prevents carriers to view the description of the product content and/or user’s account information, etc.” This presumes that the information is “product content and/or

user's account information, etc." is on the removed part, which has not been shown and is the Examiner's burden to evidence. Evidence of a reason to combine has not been shown, and hindsight is well known to be prohibited in making an obviousness rejection.

With respect to claims 4-9, 11-16, 22-44, the Office Action cites as a reason to combine or modify that "it allows the carriers and customer so easily identify the customer-requested delivery dates to ensure the product is arrived on time and to allow the supplier to measure its delivery performances..." Customers would know a customer-requested delivery date without need of the proposed modification to the cited art; carriers too, to the extent a deliver-by date would be relevant, have not been shown to be unaware of the date in the absence of the proposed modification of the cited art. Further, the Examiner has not explained how the proposed modification of the cited art would have any influence on ensuring that the product arrives on time. Nor is it apparent how the proposed modification would have anything to do with allowing a "supplier to measure its delivery performances...." Evidence of a reason to combine has not been shown, and hindsight is well known to be prohibited in making an obviousness rejection.

As to claims 4-5, 9, 15-16, 22, 28, 29, 34, 40-42, 44 the proposed modification of Laurush is contradicted by its teaching and would alter its operation. The Laurush does not teach that its label was intended for separation as Applicant claimed. Further, the Office Action contends that the reason to combine or modify is that "it saves customer's cost of shipping additional card/letter." This explanation presumes that the card would not be on the exterior of the package, or that the card would not be otherwise covered, which would also save the cost.

Evidence of a reason to combine has not been shown, and hindsight is well known to be prohibited in making an obviousness rejection.

Pursuant to 35 U.S.C. Sec. 132, Applicant is entitled to "the reasons for such requirement ... *together with such information as may be useful in judging the propriety of*

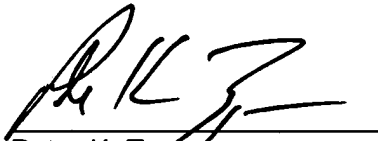
continuing prosecution...". A similar requirement is made by Rule 104(a)(2), which requires "...reasons for any... requirement... and such information or references will be given as may be useful in aiding the applicant... to judge the propriety of continuing the prosecution. In view of Sec. 132 and Rule 104, if a combination or modification is to be contended, the PTO is required to provide not only the reasons, but also *such information as may be useful in judging the propriety of continuing prosecution...*" Otherwise, the rejection is improper.

If allowance is not forthcoming, Applicant requests an interview with the Examiner.

APPLICANT CLAIMS LARGE ENTITY STATUS. The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or credit any overcharges to Deposit Account No. 50-0235, and if any extension of time is needed to reply to said office action, this shall be deemed a petition therefore.

Please direct all communication to the undersigned at the address given below.

Respectfully submitted,


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